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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/500,958

08/23/2004

Alexander Shipp

117-514

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23117

7590

07/26/2006

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ARLINGTON, VA 22203

EXAMINER

LEWIS, ALICIA M

ART UNIT

PAPER NUMBER

2164

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/500,958

Applicant(s)

SHIPP, ALEXANDER

Examiner

Alicia M. Lewis

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
**SAM RIMELL**  
PRIMARY EXAMINER

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This office action is responsive to communication filed May 10, 2006. Claims 1 and 5 have been amended, and new claims 9-12 have been added. Therefore, claims 1-12 are pending in this application.

#### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on May 10, 2006 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

#### ***Claim Objections***

2. Applicant is advised that should claims 1-4 be found allowable, claims 9-12 will be objected to under 37 CFR 1.75 as being substantial duplicates thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 4-6, 8-10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pham et al. (US Patent Application Publication 2003/0097591 A1) ('Pham') in view of Keorkunian et al. (US Patent Application Publication 2004/0073631 A1) ('Keorkunian').

With respect to claims 1, 5 and 9, Pham teaches:

a) link analyzer operative to identify hyperlinks in document content (element 112 in Figure 1, paragraphs 23, 31 and 40); and

b) means for causing a content scanner to scan objects referenced by links identified by the link analyzer and to determine their acceptability according to predefined rules (paragraphs 24, 41), and responsive to the link being to an object external to the document which object is determined by the content scanner to be acceptable, retrieving the external object (step 618 in Figure 6, paragraph 49).

Pham does not teach modifying the document by replacing the link to the external object by one to a copy of the object stored on a trusted server.

Keorkunian teaches a system and method for anonymous observation and use of premium content (see abstract), in which he teaches modifying the document by replacing the link to the external object by one to a copy of the object stored on a trusted server (page 9, claim 4).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Pham by the teaching of Keorkunian because

modifying the document by replacing the link to the external object by one to a copy of the object stored on a trusted server would enable anonymously delivering content to users (Keorkunian, paragraph 15) and would further protect against viruses by having user requests redirected to trusted servers.

With respect to claims 2, 6 and 10, Pham as modified teaches wherein the link analyzer a) and means b) are operative to recursively process links identified in such external objects (Pham, paragraphs 9, 23 and 31).

With respect to claims 4, 8 and 12, Pham as modified teaches wherein if any linked-to object is determined by the content scanner to be unacceptable the document is flagged or modified to indicate that fact (Pham, steps 308 and 310 in Figure 3, paragraphs 9 and 42).

5. Claims 3, 7 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pham et al. (US Patent Application Publication 2003/0097591 A1) ('Pham') in view of Keorkunian et al. (US Patent Application Publication 2004/0073631 A1) ('Keorkunian') as applied to claims 1, 2, 4-6, 8-10 and 12 above, and further in view of Lambert et al. (US Patent 6,629,138 B1) ('Lambert').

With respect to claims 3, 7 and 11, Pham as modified teaches claims 2, 6 and 10 and flagging documents as unacceptable.

Pham as modified does not teach in which only a maximum depth of recursion is permitted and the document is flagged as unacceptable if that limit is reached.

Lambert teaches a method and apparatus for storing and delivering documents on the internet (see abstract), in which he teaches in which only a maximum depth of recursion is permitted and the document is flagged as unacceptable if that limit is reached (column 10 lines 6-10).

According to Lambert's invention, the number of levels to search can be used as inclusion/exclusion criteria. Therefore, the maximum number of levels before stopping (maximum depth of recursion) can be used as a reason to exclude a page (or document); this exclusion is similar to flagging a document unacceptable.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have further modified Pham by the teaching of Lambert because in which only a maximum depth of recursion is permitted and the document is flagged as unacceptable if that limit is reached would enable a method to manage passive and active data throughout a network, and offer an improved method and apparatus for storing and delivering information on the Internet (Lambert, column 2 lines 23-26).

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1 and 5 have been considered but are moot in view of the new ground(s) of rejection.
7. Applicant is alleging that because an examiner indicated that a feature lacked

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patentable weight, it was an admission that such feature was not found in the art.

This argument is not correct. Applicant cannot and should not presume that a feature in a claim is admitted to be lacking unless the examiner explicitly states this in the record. No presumption is to be made of allowable subject matter unless this is explicitly stated in the record. Since the examiner has not made any such statement, no such presumption should be made.

8. MPEP 2106 and 2111.04, outline the basis under which an examiner can question patentable weight of certain features when they are optionally recited. This is not recited in the MPEP as being construed as any manner of admission that the feature is not taught or that the subject matter is found patentable. It is only an indication that the subject matter lacks patentable weight.

9. Although art has been applied to all limitations in the claim, the latter portion of claim 1, which states:

“the means being operative, when the link is to an object external to the document and is determined by the content analyzer to be acceptable, to retrieve the external object and modify the document by replacing the link to the external object by one to a copy of the object stored on a trusted server”

remains optional, thus it holds no patentable weight. Examiner suggests rewriting the claim such that a decision is being made, then having options for each decision.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Lewis whose telephone number is 571-272-


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5599. The examiner can normally be reached on Monday - Friday, 9 - 6:30, alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on 571-272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Alicia Lewis  
July 21, 2006

  
**SAM RIMELL**  
**PRIMARY EXAMINER**